



Buffalo County, Nebraska

ADA Policy

Section 504- Rehabilitation Act of 1973 Compliance
Americans with Disabilities Act of 1990 Compliance

POLICY STATEMENT

Buffalo County will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Buffalo County further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source.

For our purposes, a disabled person is defined as any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such an impairment, or
- Is regarded as having such an impairment.

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes “a disability” for “handicaps” and “disability” for “handicap”.

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, “This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance”.

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities

Conducted by the Department of Transportation) states, “This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States.”

28 CFR Part 35 (Judicial Administration) states that: “The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from

Federal Financial Assistance) states, “The purpose of this part is to carry out the intent of Section 504 of the

Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

49 CFR Part 28-140 (Employment) states that, “(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the

Department,” and “(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of

1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: “It is the policy of the

Government of the United States . . . to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency.”

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.”

ORGANIZATION AND SECTION 504/ADA COORDINATOR RESPONSIBILITIES

Lynn Martin, Board Administrator acts as the Buffalo County ADA Coordinator and coordinates ADA compliance activities, inquires, accommodation requests, and complaints. The Board Administrator will rely on other key staff members, including, but not limited to, all elected officials and department heads for assistance and support in the development, implementation, and monitoring of the County’s plan.

Lynn’s contact information is:

Lynn Martin, Buffalo County Board Administrator
Mailing Address: PO Box 1270, Kearney, NE 68848
Physical Address: 1512 Central Avenue, Kearney, NE
Phone Number: (308) 236-1224
Office Hours: 8:00-5:00

SECTION 504/ADA NOTICE TO THE PUBLIC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, Buffalo County, Nebraska, will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. Buffalo County, Nebraska, does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA/Section 504 Coordinator:

Name: Lynn Martin, Buffalo County Board Administrator
Mailing Address: PO Box 1270

Physical Address: 1512 Central Avenue
Phone Number: (308) 236-1224
Office Hours: 8:00-5:00

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service or activity of Buffalo County, Nebraska, should contact the ADA/Section 504 Coordinator as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require Buffalo County, Nebraska, to take any action that would fundamentally alter the nature of its programs or services, or impose on it an undue financial or administrative burden.

Complaints that a program, service, or activity of Buffalo County, Nebraska, is not accessible to persons with disabilities should be directed to the ADA/Section 504 Coordinator.

Buffalo County, Nebraska, will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

SECTION 504/ADA SELF-EVALUATION AND TRANSITION PLAN

Buffalo County has developed and completed a comprehensive self-evaluation and has developed and implemented a subsequent transition plan. Buffalo County held a public listening session on Tuesday December 13, 2016 from 1:00 p.m.-4:00 p.m. to allow the public an opportunity to review and/or give input on our transition plan. No member of the public attended the listening session. The transition plan will be approved by the Board of Commissioners on December 27, 2016 and will be reviewed and/or updated on an annual basis. The transition plan will be available for the public to review on our county website and a copy will be available in the Board Administrator's Office.

GRIEVANCE PROCEDURES

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by Buffalo County, Nebraska. The Buffalo County Employee Manual's Grievance Procedures govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the

problem. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violations to the designated ADA/Section 504 Coordinator:

Name: Lynn Martin, Buffalo County Board Administrator

Mailing Address: PO Box 1270

Physical Address: 1512 Central Avenue

Phone Number: (308) 236-1224

Office Hours: 8:00-5:00

Within 15 calendar days after receipt of the complaint, the ADA/Section 504 Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ADA/Section 504 Coordinator or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of Buffalo County, Nebraska and offer options for substantive resolution of the complaint.

If the response by the ADA/Section 504 Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Chair of the Buffalo County Board of Commissioners or his/her designee. Within 15 calendar days after receipt of the appeal, the Chair of the Buffalo County Board of Commissioners will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Chair of the Buffalo County Board of Commissioners or his/her designee will respond in writing and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA/Section 504 Coordinator or his/her designee, appeals to the Chair of the Buffalo County Board of Commissioners or his/her designee, and responses from these two offices will be retained by Buffalo County for at least three years.

REASONABLE ACCOMMODATION PROCEDURES

Any individual who wishes to request a specific accommodation (including communication aids or services) in order to facilitate the delivery of services or participation in programs or activities provided by Buffalo County, Nebraska should contact the ADA/Section 504 Coordinator as soon as possible but no later than 48 hours before the scheduled event:

Name: Lynn Martin, Buffalo County Board Administrator

Mailing Address: PO Box 1270
Physical Address: 1512 Central Avenue
Phone Number: (308) 236-1224
Office Hours: 8:00-5:00

ASSURANCES

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), Buffalo County, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

Buffalo County further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35, and 42 USC 12101-12213

Adopted this 27th day of December, 2016 at Kearney, Buffalo County, Nebraska.

The Board of Commissioners of Buffalo County, Nebraska

	
	
	
	
	